

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rule making related to federal occupational safety and health standards and providing an opportunity for public comment

The Labor Commissioner hereby proposes to amend Chapter 4, “Recording and Reporting Occupational Injuries and Illnesses,” Chapter 10, “General Industry Safety and Health Rules,” and Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

The Labor Commissioner is required to adopt by reference federal occupational safety and health standards. In this Notice of Intended Action, the Commissioner proposes to adopt by reference minor corrections to the construction and general industry standards and to the recording and reporting requirements. The changes at the federal level were adopted without notice or comment.

The relevant changes relate to reporting and recordkeeping; nationally recognized testing laboratories; the definition of “hazardous atmosphere” as it relates to general industry electrical power generation, transmission, and distribution; lead and cadmium in general industry; asbestos, cadmium and lead in construction; hazardous waste operations and emergency response in construction; flexible cords and cables in construction; scaffolds in construction; fall protection in construction; power transmission and distribution in construction; construction personnel hoists; construction excavations; steel erection in construction; and the use of cranes and derricks to hoist personnel in construction.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on April 15, 2020. Comments should be directed to:

Kathleen Uehling
Division of Labor Services
150 Des Moines Street
Des Moines, Iowa 50309
Email: kathleen.uehling@iwd.iowa.gov

Public Hearing

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

April 15, 2020
9 a.m.

150 Des Moines Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** paragraph **4.3(1)“j”**:

j. 85 Fed. Reg. 8731 (February 18, 2020)

ITEM 2. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
85 Fed. Reg. 8731 (February 18, 2020)

ITEM 3. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
85 Fed. Reg. 8735 (February 18, 2020)